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OFFICE OF PETITIONS

In re Application of
Kenji Tsukada
Application No. 10/601,200
Filed: June 23, 2003
Attorney Docket Number: Q76217

ON PETITION

This is a decision on the renewed petition filed September 10, 2004, under 37 CFR 1.137(b) which is treated as a Petition to Withdraw Holding of Abandonment, under 37 CFR 1.181.

The petition is **GRANTED**.

The application became abandoned on October 15, 2003, for failure to file a timely response to the Notice to File Missing Parts mailed August 14, 2003, which set a two (2) month statutory period for reply. Prior to the mailing of a Notice of Abandonment, a Petition to Revive under 37 CFR 1.137(b) was filed May 25, 2004 and dismissed in a decision mailed August 18, 2004.

Petitioner renews the assertion that the Notice to File Missing Parts was never received.

The file record discloses that the Notice to File Missing Parts was mailed August 14, 2003 to the address of record. However, petitioner contends that it was not received. In support of this contention, a statement made by Attorney Kelly G. Hyndman, explaining the docketing procedure, including pages from the docketing system, wherein receipt of the Notice to File Missing Parts would have been entered, had it been received, accompanies the petition. The statement and attachments corroborate non-receipt of the Notice to File Missing Parts.

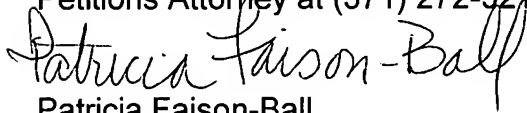
In view of the facts set forth in the petition, it is concluded that the Notice to File Missing Parts was never received. Accordingly, the holding of abandonment is withdrawn. Since no petition fee is due, a refund in the amount of \$1330.00 will be credited to deposit account 19-4880 for the fee paid with the petition filed May 25, 2004.

Receipt of the response to the Notice to File Missing Parts mailed August 14, 2003, in

the form of filing fees, surcharge for late submission, a properly executed Declaration and Power of Attorney and replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 is acknowledged as having been received September 10, 2004.

This application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in cursive script that reads "Patricia Faison-Ball". The signature is written in dark ink and is positioned to the left of the printed name.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions